

REMARKS

Claims 1 to 6 are present for prosecution.

Reconsideration of the rejection of this application is respectfully requested in view of the above amendments and the following remarks.

Claim Rejections - 35 U.S.C. §112, Second Paragraph

Claims 1 to 6 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner maintains that:

“Specifically, the term ‘substituted’ found in the variable R⁹ and the phrase ‘having the structure’ renders the products indefinite as the term ‘substituted’ and the phrase ‘having the structure’ can be considered open-ended language when not clearly defined and therefore is including additional subject matter in the compounds of the formula IA that is not described in the instant specification and is not particularly pointed out or distinctly claimed. A claim to a chemical compound cannot be open-ended, but must be claimed with precision. This rejection can be overcome by deleting the term ‘substituted’ and amending the phrase ‘having the structure’ to read ‘of the structure’ in claims 1-6.”

Regarding the variable R⁹ employed in Claim 1, the term “substituted and unsubstituted alkyl” has been amended to read “alkyl”.

The phrase “having the structure” has been replaced with “of the structure” as suggested by the Examiner.

Applicants note that Claims 2 to 6 are objected to as being dependent upon a rejected claim.

In view of the foregoing, it is submitted that Applicants' compounds as claimed in Claims 1 to 6 as amended are in compliance with 35 U.S.C. §112.

Accordingly, it is believed that Claims 1 to 6 are in condition for allowance.

Respectfully submitted,

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